

# European Media Freedom Act: Structured dialogue (Article 18)

## ARTICLE 19's concerns on the structured dialogue

According to Article 18 of the European Commission's proposal for a European Media Freedom Act, the Board is tasked to regularly organise a structured dialogue between providers of very large online platforms, representatives of media service providers and representatives of civil society (CSOs) to discuss three topics: (i) experiences and best practices in the application of Article 17 of the proposal (i.e. how the content coming from self-defined media service providers is managed on very large online platforms, or VLOPs); (ii) to foster access to diverse offers of independent media on VLOPs, and (iii) to monitor adherence to self-regulatory initiatives aimed at protecting society from harmful content, including disinformation and foreign information manipulation and interference.

ARTICLE 19 welcomes the European Commission recognition of the role CSOs can and must play in the discussion of these topics. Nevertheless, we note that the procedural rules that will be set for this dialogue are going to be key.

First, CSOs capacity to participate will vastly depend on funding's availability, which cannot be expected to remain on the CSOs' shoulders. Without adequate financial support, CSOs will not be able to dedicate resources to this dialogue, nor to join the meetings etc. Moreover, guarantees should be put in place to ensure that the small and local media will be adequately represented.

Safeguards are also needed to make sure that various stakeholders' voices will be equally listened to. Indeed, it is essential to avoid a situation in which the dialogue becomes a ticking box exercise or worse an opportunity for VLOPs and big media service providers to agree on solutions, approaches and policies that are oriented towards the maximisation of profits and/or harm public goals. The presence of CSOs at the table must not be used to legitimise such results.

In addition, we believe that the scope of the discussions should be left open, in order to include other topics on which a dialogue among the stakeholders can be helpful and fruitful, in particular the structural dependency existing between very large online platforms and media service providers, as well as the resilience of the media more generally.

Finally, ARTICLE 19 considers that the outcome of the dialogue should not be limited to a reporting exercise to the European Commission, as provided by paragraph 2 of Article 18. It is hard to imagine any concrete impact for this reporting. We call on the legislators to improve the text as to impose the publication of all positions and contributions taken and shared during the dialogue. This would have two main advantages: on the one hand, it will help to avoid misrepresentation, capture or abusive legitimisation exercises; on the other hand, it will contribute to advancing the dialogue and building consensus across society on key elements of democracy.

## Our recommendations:

## ARTICLE 19

- Financial means should be secured to ensure CSOs can effectively participate to the dialogue.
- Small and local media should be adequately represented in the dialogue.
- Guarantees should be put in place to make sure all voices have the same weight.
- The scope of the dialogue should be widened as to include the substantial conflicts that affect balance and fairness in the relationship among very large online platforms and media service providers.
- Stakeholders' positions and contributions shall be recorded and made public, to avoid misrepresentation, capture or abusive legitimisation exercises.